

**All Things LYNDEN**  
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(360) 319-4772

**FREEDOM OF INFORMATION ACT REQUEST**

October 25, 2017

Sent via U.S Mail

Regional Freedom of Information Officer  
U.S. EPA, Region 10  
Office of Ecosystems, Tribal and Public Affairs  
1200 6th Avenue ETPA-124  
Seattle, WA 98101  
(206) 553-8665

Re: Request for information pertaining to EPA Inspection of CAFOs in Western Washington

Dear Regional Freedom of Information Officer,

This is a request under the Freedom of Information Act. 5 U.S.C. § 552 *et. seq.* I am making this request on behalf of All Things LYNDEN (ATL), and, Whatcom Family Farmers (WFF). We hereby request that you provide copies of the following materials:

1. All records, data, studies, reports and communications— in any format<sup>1</sup> — generated or received by the Environmental Protection Agency ("EPA") regarding EPA inspections of CAFOs in Western Washington conducted from February 23, 2013-Present. Specifically included within the scope of this request are any communications the EPA staff have had regarding the inspections or the results thereof with the Washington State Department of Ecology, or any individual or entity acting on behalf of Ecology and the Washington State Department of Agriculture, or any individual or entity acting on behalf of Agriculture.
2. All records data, studies, reports and communications — in any format — generated or received by the Environmental Protection Agency regarding any and all enforcement actions against CAFOs in Western Washington conducted by, or at the behest of, the EPA from February 23, 2013- Present. Specifically included within the scope of this request is

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<sup>1</sup> This includes, but is not limited to, printed or written correspondence, books, papers, photographs, email or other machine readable electronic record, telephone messages, voice-mails or other sound recordings, notes of personal conferences, telephone conversations or personal meetings. It also includes electronic copies or backups if the originals have been destroyed. This definition of communications applies to all documents sought by this letter.

any data, studies, documents or information regarding EPA enforcement or investigation activities of both NPDES-permitted and unpermitted CAFOs in Western Washington.

3. All records data, studies, reports and communications — in any format — generated or received by the Environmental Protection Agency regarding the impacts of CAFOs on groundwater, surface water, wetlands, and estuaries in and around Puget Sound.
4. This request specifically excludes data, studies, reports and communications in any format -- generated or received by the Environmental Protection Agency regarding the impact of Concentrated Animal Feeding Operations in Eastern Washington.

I am a representative of the news media affiliated with the website All Things LYNDEN (an online news source), where this request is made as part of news gathering and not for a commercial use.

Whatcom Family Farmers is an outreach and advocacy group that focuses on advocating for farmers on a variety of issues, and engages in educating the community on key issues such as water quality, water quantity, labor and trade. WFF's goal with this FOIA request is to find out how local farmers are complying with the high standards they have been placed under via Washington State law. The EPA has done follow up inspections on a number of larger farms and we believe this information will be helpful in determining how local farms are complying.

As part of this FOIA request, ATL and WFF desire to present the complete facts as to the full extent of the results for all CAFO inspections by the EPA in western Washington farms. The assembled materials from this FOIA request will be added to those associated with FOIA request EPA-R10-2013-008552. Findings and conclusions will be published to the public through our respective websites, email contacts, social media and standard news media outlets.

The purpose of this request is to be considered broadly and not exclude any other records that have a reasonable relationship to the subject matter of this request unless we have specifically stated the record to be excluded. If you or your office has destroyed or determines to withhold any documents that could be reasonably construed to be responsive to this request, I ask that you indicate this fact and the reasons therefore in your response.

#### **FEE WAIVER REQUEST**

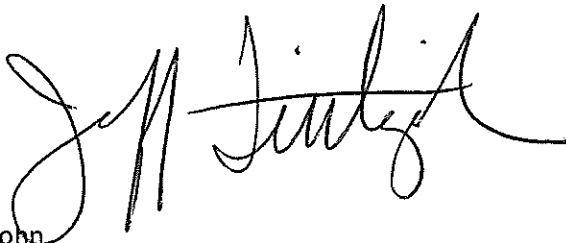
Additionally, I request that you waive all copy, clerical and other fees associated with providing information responsive to this request. The FOIA requires the federal government to furnish documents to public interest groups free of charge, or at a reduced rate, "if disclosure of the information is in the public interest." 5 U.S.C. § 552(a) (4) (A) (iii). Such disclosure is in the public interest if "it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." *Id.* The public interest test is not intended to be a difficult one to satisfy, as the Ninth Circuit has held a requester meets this burden in situations in which "They identified why they wanted the [requested information], what they intended to do with it, to whom they planned on distributing it. . ." *Friends of the Coast Fork v. BLM*, 110 F.3d 53, 55 (9th Cir.1997).

## CONCLUSION

Since none of the statutory exceptions from the FOIA's mandatory disclosure provisions apply, access to the requested records should be granted within twenty (20) working days from the date of your receipt of this request. If this request is denied in whole or in part, I ask that you justify the denial with reference to specific exemptions in the Act and that you release any material that can be segregated or otherwise exempt material. I further request that you describe the deleted material in detail. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination and in formulating arguments in the event an appeal is taken.

I thank you in advance of your prompt reply. Please do not hesitate to contact me should you have any questions, concerns or comments regarding this request. You may direct all communications and responses relating this request directly to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Littlejohn". The signature is fluid and cursive, with the first name "Jeff" written in a large, stylized script, and the last name "Littlejohn" written in a more compact, cursive style.

Jeff Littlejohn

Cc: Fred Likkel, Executive Director - Whatcom Family Farmers